

Tuesday, January 24, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Consent Agenda – Review and Approval

This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 13 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Consent Agenda - Board of Supervisors Items

1. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves the item as recommended by the County Administrative Officer.

2. Request by Supervisor Frank Mecham to re-appoint Arthur Von Dollen to the Estrella Cemetery District.

The Board approves the item as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items

3. Request to approve recurring annual contracts (Clerk's File) between the County and the Women's Shelter Program of San Luis Obispo County and the North County Women's Shelter and Resource Center for disbursement of County Domestic Violence Program Special Fund Monies and Battered Women's Shelter Trust Account Monies.

The Board approves the item as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items

4. Request to approve the appointment of Gill Blonsley to the San Luis Obispo County Health Commission.

The Board approves the item as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items

5. Submittal of a resolution honoring the California County Planning Directors Association on the Occasion of its 50th Anniversary.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-10, adopted.

Consent Agenda - Public Works Items

6. Request to Approve the Mitigated Negative Declaration for the Templeton Road Widening Project (ED09-108; 300386), located southeast of the Community of Templeton in the El Pomar/Estrella Planning Area.

The Board approves the item as recommended by the County Administrative Officer.

7. Submittal of an amendment to the Real Property Transfer Agreement with Philip D. Gray and Carolyn M. Gray, Los Osos Wastewater Project, Los Osos, CA (WBS 300448.05).

Mr. Richard Margetson: speaks.

The Board approves the item as recommended by the County Administrative Officer.

8. Submittal of a resolution authorizing execution of notice of completion and acceptance of the construction of Asphalt Overlay 2011 Pomeroy and Willow Roads in Nipomo, Contract No. 300417.

This item is amended by replacing the resolution and notice of completion due to an error during the printing process. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-11, adopted.

9. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on their tentative map: Parcel Map CO 06-0170, a proposed subdivision resulting in 2 lots by Roger T. and Julie L. Craig.

The Board approves the item as recommended by the County Administrative Officer.

10. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of improvements on Mission Street, from 11th Street to 12th Street, in San Miguel, CA. Contract No. 300388; and authorize a budget adjustment, by a 4/5th's vote, in the amount of \$25,510 to increase the appropriation and associated funding.

This item is amended by replacing the resolution and notice of completion due to an error during the printing process. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-12, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District

11. Request to approve committee appointments of Charles Grace and Renee Lundy, as San Simeon Community Service District representatives to the Water Resources Advisory Committee of the Flood Control and Water Conservation District.

The Board approves the item as recommended by the County Administrative Officer.

Consent Agenda - Sheriff -Coroner Items

12. Request for approval of a contract with In-Custody Transportation, Inc. for inmate transportation for up to \$80,000 annually.

The Board approves the item as recommended by the County Administrative Officer.

13. Request for approval of a contract with National Food Group, Inc; DBA: CSV Sales, Inc. for up to \$100,000 annually for up to three years.

Mr. Eric Greening: speaks.

The Board approves the item as recommended by the County Administrative Officer.

Public Comment Period

14. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Ms. Shirley Bianchi, Ms. Mary Bianchi - Model of Care Partners Oversight Committee Chairperson and Friends of Martha’s Place Member and Ms. Lisa Frazer - San Luis Obispo County Child Abuse Prevention Council: announce the 5th Anniversary of Martha’s Place and highlights the services they provide.

Mr. Hank Hohenstein (document) and Ms. Quintana Ambrose: comment on the County’s mission, vision and organizational values and statements made by Supervisor Hill.

Mr. Ben DiFatta, Ms. Gwynn Taylor, Mr. Al Barrow (document), Ms. Linde Owen, Mr. Richard Margetson (document) and Ms. Laura Mouradont: address various comments and concerns regarding the Los Osos Wastewater Project (LOWWP). Additionally Ms. Mouradont comments on statements made by Supervisor Hill.

Mr. Eric Greening: requests an agendized discussion regarding hydraulic fracturing; comments on the proposed truancy ordinance; and states at the San Luis Obispo Council of Governments (SLOCOG) meeting on February 1, 2012 there will be a hearing regarding regional unmet transit and bikeway needs. **No action taken.**

Hearings

15. Request to adopt resolutions to approve an Associate Membership Agreement with the California Enterprise Development Authority (CEDA) and approve the issuance of tax-exempt bonds by CEDA in an amount not to exceed \$4,000,000 for Atascadero Christian Home.

Chairperson Patterson: opens the floor to public comment without response.

RESOLUTION NO. 2012-13, a resolution of the Board of Supervisors of the County of San Luis Obispo approving associate membership by the County of San Luis Obispo in the California Enterprise Development Authority and the execution of an associate membership agreement relating to associate membership of the County in the authority, adopted.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Chairperson Patterson: states a notice of the public hearing was published in the Tribune Newspaper on Tuesday, January 10, 2012; the public hearing is required by section 147(f) of the Internal Revenue Code as a condition of the issuance of the obligations by the authority of which we are an associate member; the County does not bear any responsibility for the issuance of the obligations, the tax exempt status of the interest with respect to the obligations, the repayment of the obligations or any other matter related to the obligations; the County is simply facilitating the issuance of the obligations for the borrower as required by Federal and State law. Furthermore, opens the floor to public comment.

Mr. Gere Sibbach - Auditor-Controller: speaks.

Supervisor Patterson: asks the clerk if any written comments on the proposed tax exempt bonds have been received, with the Clerk responding no.

RESOLUTION NO. 2012-14, a resolution of the Board of Supervisors for the County of San Luis Obispo approving the issuance by the California Enterprise Development Authority of its revenue obligations for the benefit of Atascadero Christian Home, in an aggregate amount not to exceed \$4,000,000 for the purpose of refinancing and financing the cost of expanding, improving, rehabilitating, equipping and furnishing certain property, providing the terms and conditions for such obligations and other matters relating thereto, adopted.

Motion by: Bruce S. Gibson
Second by: Frank Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
-------------	------	------	---------	--------

Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

16. Hearing to consider an appeal for a denied encroachment permit application by Mr. Calvin J. Packett for a secondary driveway approach from a property located at 626 Cherokee Place, Nipomo.

Mr. Calvin Packett - Appellant: speaks.

Chairperson Patterson: opens the floor to public comment without response.

Mr. Packett: provides closing statements.

The Board affirms the decision of the Public Works Director to deny the appeal by Mr. Calvin J. Packett to construct a secondary driveway approach from property located at 626 Cherokee Place onto Willow Road in Nipomo.

Motion by: Paul Teixeira

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

17. Request to adopt a resolution amending the Urban County of San Luis Obispo Program Year 2011 Action Plan by allocating Community Development Block Grant (CDBG) program income funds on behalf of the City of Grover Beach.

(This item is amended by replacing the resolution and notice of completion due to an error during the printing process.)

Chairperson Patterson: opens the floor to public comment without response.

RESOLUTION NO. 2012-15, a resolution approving the amendment to the Urban County of San Luis Obispo Program Year 2011 Action Plan, adopted.

Motion by: Adam Hill

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Board Business

18. Consideration of the Proposed Memorandum of Agreement for the Sphere of Influence update between the City of Paso Robles and the County of San Luis Obispo.

Mr. Chuck Stevenson - Planning and Building: requests this item be continued off-calendar for further discussion and input regarding the Sphere of Influence.

Chairperson Patterson: opens the floor to public comment.

Mr. Bill Pelfrey: speaks.

the Board continues this matter off-calendar per staff's request.

Motion by: Frank R. Mecham

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Supervisor Gibson: directs staff to strengthen the wording of the Memorandum of Agreement to make sure it is clear that the intent of any annexation request within areas added to the Sphere should be clearly consistent with purple belt protection policies as the purple belt plan currently stands; and secondly, regarding water supply, make specific reference that the questions of reliability and sustainability require a resolution of issues that have been raised by the Resource Capacity Study of the Paso Robles Goundwater Basin and its current Level of Severity III designation.

Hearings Continued

19. Hearing to consider a request by Ana Torres de Alba for a curb, gutter and sidewalk waiver (DRC2011-00021) for a proposed project within the Residential Multi-Family land use category located at 1176 N Street, in the community of San Miguel.

Ms. Ana Torres De Alba - Applicant: speaks.

Chairperson Patterson: opens the floor to public comment without response.

Ms. Torres De Alba: provides closing statements.

A discussion occurs regarding the timing to craft the necessary documentation to consider the request by the Applicant.

The Board continues the hearing to Tuesday, February 28, 2012.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Gibson, Bruce S.	x			
Mr. Teixeira, Paul	x			

Closed Session Items

20. The Board announces they will be going into Closed Session regarding:

- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Sunny Acres, Inc., et al. v. County of San Luis Obispo, et al. (CV090360); 2. Southern California Pipeline Construction, Inc. v. San Luis Obispo County Flood Control and Water Conservation District.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
- II. CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.)
A. It is the intention of the Board to meet in closed session to have a conference with its Management Representative Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. San Luis Obispo County Employees Association-Public Services, Supervisors, Clerical; 6. Deputy Sheriff’s Association; 7. District Attorney Investigator’s Association; 8. San Luis

Obispo County Employees Association-Trades and Crafts; 9. Sheriffs’ Management; 10. Association of San Luis Obispo County Deputy Sheriffs; 11. Deputy County Counsel Association; 12. San Luis Obispo Government Attorney’s Union.

Chairperson Patterson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken, and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, January 24, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder And Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: March 19, 2012